

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

JOHN DOE,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 1:16-cv-00174
)	
)	JURY DEMAND
ANN ROE,)	
)	
Defendant.)	
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JOHN DOE’S ANSWER TO ANN ROE’S AMENDED COUNTERCLAIM

The Plaintiff, John Doe, submits the following answer to Ann Roe’s Amended Counterclaim pursuant to Rule 12(a)(1)(B) of the Federal Rules of Civil Procedure.

PARTIES

- 1. Admitted.
- 2. Admitted.

JURISDICTION AND VENUE

3. John Doe has insufficient knowledge to admit or deny the factual averments contained in this paragraph with respect to Ann Roe’s claim and therefore denies them.

- 4. Admitted.
- 5. Admitted.

FACTUAL BACKGROUND

- 6. Admitted.
- 7. Admitted.
- 8. Denied.
- 9. Denied.

COUNT I
Sexual Battery

- 10. John Doe incorporates herein his answers to averments 1-9.
- 11. Denied.
- 12. Denied.
- 13. Denied.
- 14. Denied.
- 15. Denied.
- 16. Denied.
- 17. Denied.

COUNT II
Intentional Infliction of Emotional Distress

- 18. John Doe incorporates herein his answers to averments 1-17.
- 19. Denied.
- 20. Denied.
- 21. Denied.

JURY DEMAND

John Doe demands a trial by jury on all issues so triable.

AFFIRMATIVE DEFENSES

- I. Failure to State a Claim. Ann Roe has asserted no facts regarding physical symptoms resulting from her alleged emotional distress and mental pain.
- II. Consent. Ann Roe knowingly and voluntarily agreed to and participated in the sexual activity which she claims to have caused her injuries.

III. Foreseeability. John Doe and Ann Roe engaged in extensive sexting prior to their encounter and John Doe could not reasonably predict the negative consequences and damages that Ann Roe has belatedly claimed.

IV. Assumption of Risk. To the extent that Ann Roe participated in sexual activity, she did so with full knowledge and appreciation of the risk of obvious danger or future regret, and nonetheless voluntarily chose to expose herself to such risk.

WHEREFORE, John Doe respectfully requests dismissal of the claims against him on the merits and with prejudice, and an award of his reasonable attorney's fees pursuant to G.L. 1956, § 9-1-45.

Dated: August 26, 2016

The Plaintiff, John Doe,
By his Attorneys,

/s/ J. Richard Ratcliffe

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CERTIFICATE OF SERVICE

I, J. Richard Ratcliffe, certify that on August 26, 2016, this document was electronically filed. The following attorneys are registered with and may access these filings through the CM/ECF system:

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/s/ J. Richard Ratcliffe